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EXAMINER

NGUYEN, JENNIFER T

ART UNIT

PAPER NUMBER

2674

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/900,211

Applicant(s)

BOHN, DAVID D.

Examiner

Jennifer T. Nguyen

Art Unit

2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on appeal brief filed on 8/10/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6 and 8-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. In view of the appeal brief filed on 8/10/05, PROSECUTION IS HEREBY REOPENED.

A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 20 is rejected under 35 U.S.C. 102(b) as being anticipated by Verstockt (Patent No. US 5,734,372).

Regarding claim 20, referring to Fig. 2, Verstockt teaches a computer-pointing device (i.e., computer mouse), comprising:

means (i.e., LED 33) for providing for a user a first visual indication (when the LED 33 is

Art Unit: 2674

nonvisible) that the computer-pointing device is in a standby mode (i.e., not being used by the user);

means (i.e., LED 33) for providing the user a second visual indication (when the LED 33 is visible) that the computer-pointing device is in input operating mode (i.e., being used by the user) (col. 3, lines 24-32).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4, 15-18, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Verstockt (Patent No. US 5,734,372) in view of Lip (Patent No. US 6,623,194).

Regarding claims 1, 18, and 21, referring to Fig. 2, Verstockt teaches a computer pointing device (i.e., computer mouse), comprising:

a visual indication (i.e., when a LED 33 is in nonvisible state) when the computer-pointing device is in a standby mode (i.e., not being used by the user); the nonvisible of the light emitting diodes providing for a user a visual indication of the standby mode of the computer-pointing device (col. 3, lines 23-42);

a illumination apparatus (i.e., LED 33) operatively associated with the computer-pointing device, said illumination apparatus generating light (i.e., LED 33 is visible) when the computer pointing device is in a input operating mode (i.e., when the mouse is in operation), the light

Art Unit: 2674

generated by said illumination apparatus (33) providing for a user a visual indication of the input operating mode of the computer pointing device (31) (col. 3, lines 23-42).

Verstockt does not specifically teaches the visual indication when the computer-pointing device is in a standby mode is another illumination apparatus.

Lip teaches a light indicator located (544) on mouse board (502) to indicate visually the mode of the mouse board. For example, the indicator may change its colour to green when the mouse board is in keyboard mode. And it may change its colour to yellow when the mouse board is in mouse mode. In the other words, a green light is turn on when the mouse is not in operation mode, the mouse mode is not being used by user and a yellow light is turn on when the mouse is in operation mode (col. 20, lines 31-37).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the green light is turn on when the mouse is not in operation mode as taught by Lip in the system of Verstockt in order to allow user easily recognizes the pointing device in different of its modes.

Regarding claim 2, Verstockt further teaches the computer-pointing device comprises a mouse (Fig. 2).

Regarding claim 3, the combination of Verstockt and Lip teaches the second illumination apparatus comprises a light-emitting diode (col. 3, lines 23-42 of Verstockt). Although Lip does not specifically teaches the first illumination apparatus comprises a light-emitting diode but he teaches the small light located on the mouse generates a green light. Therefore it would have been obvious to obtain the visual indicating light is a light-emitting diode in order to have a low

Art Unit: 2674

weight and power consumption device. Moreover, it is well known in the art that using a light-emitting diode as a visual indicator in any electronic device.

Regarding claim 4, the combination of Verstockt and Lip teaches first illumination apparatus generates light having at least one attribute (different colors ...) different than the light generated by said second illumination apparatus (col. 20, lines 31-37).

Regarding claim 15, the combination of Verstockt and Lip teaches a data processing system (i.e., CPU 21, fig. 1 of Verstockt) operatively associated with the computer-pointing device (i.e., computer mouse), said data processing system receiving a data signal from the computer-pointing device that is indicative of the operating mode of the computer-pointing device, said data processing system processing the data signal so that said first illumination apparatus generates light when the computer-pointing device is in the first operating mode and so that said second illumination apparatus generates light when the computer-pointing device is in the second operating mode (col. 2, lines 29-67 Fig. 1, of Verstockt) .

Regarding claims 16 and 17, the combination of Verstockt and Lip teaches a control system (12), said control system actuating said first illumination apparatus when the computer-pointing device is in the first operating mode, said control system actuating said second illumination apparatus when the computer-pointing device is in the second operating mode (col. 2, lines 29-67 Fig. 1, of Verstockt) .

6. Claims 6 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Verstockt (Patent No. US 5,734,372) in view of Lip (Patent No. US 6,623,194) and further in view of Zenz, Sr. (Zenz) (Patent No. US 5,841,425).

Regarding claims 6 and 19, the combination of Verstockt and Lip differs from claim 6 in that he does not specifically teaches a third illumination apparatus operatively associated with the computer-pointing device, said third illumination apparatus generating light when the computer-pointing device is in another mode different from the standby mode and the input operating mode.

However, referring to Fig. 3A, Zenz teaches a light emitting diode (48) is in one state if the computer input device (30) is not properly operated by the user's hand (col. 4, line 59 to col. 5, line 2).

Therefore, it would have been obvious to obtain a visual indicator as taught by Zenz in the system of the combination of Verstockt and Lip in order to allow user easily recognizes the pointing device in different of its modes.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Verstockt (Patent No. US 5,734,372) in view of Lip (Patent No. US 6,623,194) and further in view of Brunelle (Patent No. US 5,998,751).

Regarding claim 8, the combination of Verstockt and Lip differs from claim 8 in that it does not specifically teach a switch allowing a user to disable the first and second illumination apparatuses.

However, Brunelle teaches indicator lights (68, 80) remain illuminated until the user depresses a acknowledgment switch that removes power to the illuminate lights (68, 80) (col. 7, lines 15-18). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the switch is depressed by the user as taught by Brunelle

Art Unit: 2674

in the system of the combination of Verstockt and Lip in order to reduce the power consumption of the device.

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Verstockt (US Patent No.: 5,734,372) in view of Lip (Patent No. US 6,623,194) and further in view of Kojima et al. (US Patent No.: 3,938,138).

Regarding claim 9, the combination of Verstockt and Lip differs from claim 9 in that it does not specifically teach a time-delayed shut off switch, said time-delayed shut off switch causing the first and second illumination apparatuses to be shut off after a period of inactivity. The combination of Verstockt and Lip teaches first and second illumination apparatuses.

However, Kojima teaches a time-delayed shut off switch, said time-delayed shut off switch causing the indicator to be shut off after a period of inactivity (col. 1, lines 31-38).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the time-delayed shut off switch as taught by Kojima in the system of the combination of Verstockt and Lip in order to reduce the power consumption of the device.

9. Claims 10, 11, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Verstockt (US Patent No.: 5,734,372) in view of Lip (Patent No. US 6,623,194) and further in view of Hinckley et al. (US Patent No.: 6,559,830).

Regarding claim 10, the combination of Verstockt and Lip differs from claim 10 in that it does not specifically teach a user detection device operatively associated with the computer-pointing device, said user detection device detecting when a user is accessing the computer-pointing device.

However, referring to Figs. 1 and 2, Hinckley teaches a user detection device (40) operatively associated with the computer-pointing device (43), said user detection device (40) detecting when a user is accessing the computer-pointing device (43) (col. 4, lines 40-54).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the user detection device as taught by Hinckley in the system of the combination of Verstockt and Lip in order to indicate to user the operation modes of pointing device quickly.

Regarding claims 11 and 14, the combination of Verstockt, Lip, and Hinckley teaches user detection device comprises an optical sensor/a capacitance proximity sensor. (col. 5, lines 38-55 of Hinckley).

Regarding claim 13, the combination of Verstockt, Lip, and Hinckley teaches said user detection device comprises a mechanically activated switch (col. 6, lines 42-43 of Hinckley).

10. Claims 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Verstockt (US Patent No.: 5,734,372) in view of Lip (Patent No. US 6,623,194) and further in view of Dai et al. (US Patent No.: 6,650,322).

Regarding claim 12, the combination of Verstockt and Lip differs from claim 12 in that it does not specifically teaches the user detection device comprises a thermal sensor. However, Dai teaches the user detection device comprises a thermal sensor (col. 2, lines 32-35, Fig. 2A of Dai). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the thermal sensor as taught by Dai in the system of the combination of Verstockt and Lip in order to provide a pointing device would help determine user presence with accuracy.

Art Unit: 2674

11. Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

12. Applicants' arguments filed 8/10/05, have been fully considered but they are not persuasive because as follows:

In response to Applicants' argument stated "Verstockt does not teach or suggest that the operation status is a standby mode, or any other mode for that matter". Examiner respectfully disagrees, Verstockt teaches a light emitting diodes LED 33 operatively associated with a mouse, said LED 33 is visible when the mouse is in operation or being used by the user. In other words, when the mouse is not being used by the user, the LED 33 is not visible (col. 3, lines 23-42). In detailed description of the current application, the Applicant defined that when the mouse is not being used by the user, it is in a stand by mode (page 3, lines 8-10). Therefore it is believed that Verstockt teaches a standby mode of the mouse.

13. Applicant's arguments with respect to claims 1-4, 6, and 8-21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer T Nguyen whose telephone number is 571-272-7696. The examiner can normally be reached on Mon-Fri: 9:00am-5:30pm.

Art Unit: 2674

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick N. Edouard can be reached on 571-272-7603. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JNguyen
10/28/2005



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